

REMARKS

The application has been carefully reviewed in light of the Office Action dated September 21, 2006. Claims 12 and 14 are in the application, both of which are independent. Claims 11 and 13 have been cancelled without prejudice. Reconsideration and further examination are respectfully requested.

Initially, Applicants note that they have not yet received an acknowledgment of the claim for foreign priority. In this regard, a certified copy of the foreign priority application was submitted in parent Application No. 09/988,873, on March 4, 2002. Acknowledgment of the claim for foreign priority is respectfully requested.

Turning to the substance of the Office Action, Claim 13 was rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed, and is submitted to have been obviated by the cancellation of Claim 13.

Claims 11 to 14 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,312,906 (Cass). This rejection is respectfully traversed.

According to a feature of the invention as recited by Claims 12 and 14, an amount of a labeled target substance captured by the probe is measured at each of the matrix sites, and the amount of the probe is compared with the amount of the labeled target substance.

Cass is not seen to disclose or suggest at least the foregoing feature.

As Applicants understand it, Cass discloses that a fluorescent labeling substance is coupled to a terminus of a probe having a hairpin structure. The behavior of the fluorescent substance is then changed by hybridization of the probe with a target. See Cass, Fig. 2, col. 5, lines 35 to 59, and Example 1. Thus, in Cass, it is not believed

necessary to label the target. Nowhere is Cass seen to describe labeling a target substance, let alone measuring an amount of a labeled target substance at each matrix site, and comparing the amount of the probe with the amount of the labeled target substance.

According to another feature of the invention as recited by Claim 14, the labeling compound is directly bonded to the substrate at a predetermined matrix site on the surface of the substrate, the labeling compound being directly bonded to the substrate during a first step of the sequential synthesis without an elongation reaction

Cass also is not seen to teach or suggest this feature.

The Office Action takes the position that Cass' fluor-quencher corresponds to the claimed labeling compound. However, Applicants respectfully submit that this fluor-quencher is bonded with an elongation reaction. According to Cass, a surface is coated with the fluor-quencher, and then the probe is immobilized to the surface having the fluor-quencher formed thereon. See Cass, col. 9, lines 16 and 17, and col. 10, lines 9 and 10.

In view of the foregoing, the application is believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,



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